

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FRANK S. BRAVE HEART, Administrator
for the Louis P. Brave Heart Estate,

Plaintiff,
vs.

DEPARTMENT OF INTERIOR and
BUREAU OF INDIAN AFFAIRS,

Defendants.

5:24-CV-05072-CBK

ORDER

Plaintiff filed a *pro se* complaint alleging that due process violations occurred in connection with the 2015 probate of his father's estate. Because plaintiff was proceeding *in forma pauperis*, this Court conducted a preservice review of plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). Plaintiff's claims against the Oglala Lakota Tribe and the Rosebud Sioux Tribe were dismissed on the basis of sovereign immunity.

Defendants filed a motion to dismiss for lack of subject matter jurisdiction and for failure to state a claim. Defendants contend, *inter alia*, that plaintiff was not the executor of the estate of Louis P. Brave Heart and lacks standing to assert any claim on behalf of the estate, that plaintiff has failed to exhaust administrative remedies for any personal claims he asserts against the defendants, and plaintiff's personal claims are time barred by the six-year statute of limitations. In response, plaintiff stated that "[t] deadlines have passed so the estate is asking for dismissal." After a review of the complaint and the defendants' motion to dismiss, dismissal appears warranted.

Plaintiff filed a motion for a pardon, contending that he was wrongfully convicted of a sex crime. "To the executive alone is intrusted the power of pardon," United States v. Klein, 13 Wall. 128, 147, 80 U.S. 128, 20 L.Ed. 519 (1872). This Court does not enter pardons.

Plaintiff filed a motion for a no contact order and to have the business license revoked of a certain named family. That motion is utterly frivolous. This Court has no jurisdiction to issue protection orders in civil cases.

Now, therefore,

IT IS ORDERED:

1. Defendants' motion, Doc. 17, to dismiss is granted.
2. Plaintiff's motion, Doc. 23, to dismiss is granted.
3. Plaintiff's motion, Doc. 24, for a pardon is denied.
4. Plaintiff's motion, Doc. 25, for a no contact order is denied.
5. This matter is dismissed with prejudice and without costs.

DATED this 14th of March, 2025.

BY THE COURT:



CHARLES B. KORNMANN
United States District Judge